

Law Enforcement Body-Worn Camera Program FAQ



Commonwealth of Massachusetts Executive
Office of Public Safety and Security
Office of Grants and Research

I. Eligibility

Q: Are private institutions (i.e., Campus/University Police Departments) eligible to apply for this grant? Additionally, would a city be able to include a large private university's police force in its application as part of its overall coverage and community safety plan?

A: Unfortunately, the state funded BWC Program is for outfitting municipal law enforcement officers only; campus/university police are not eligible to benefit from these funds at this time. As this is a five-year funding opportunity, we will notify campus law enforcement if the eligibility criteria change under future program solicitations. In the meantime, I would like to bring your attention to two federal BWC funding opportunities that are available through the U.S. Department of Justice and include campus police as eligible applicants (links below):

- [FY 2021 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies \(closing soon\)](#)
- [Small, Rural, and Tribal Law Enforcement Body-Worn Camera Program](#)

Q: We are a town with only 14 part-time and fulltime officers. Do we have to collaborate with several towns, so we reach the 50-officer threshold?

A: Smaller law enforcement agencies (under 50 sworn officers), may collaborate and jointly apply under this grant program; however, this is not a requirement. A smaller department may apply on its own behalf, if desired. If a department collaborates with several towns, each department must assure that they will provide copies of their mandatory wear policy, documentation of collective bargaining approval, and comply with other assurances under this solicitation. One department must be designated as the lead agency, responsible for managing and administering the grant program on behalf of the collaborating law enforcement agencies.

Q: Do we receive less money if we collaborate with another agency?

A: On page 2 of the Availability of Grant Funds (AGF) it states that no award may exceed \$250,000. If the agency applies individually or in collaboration with another agency the maximum award will still be limited to \$250,000. For budgeting purposes, the anticipated cost for a Body-Worn Camera is approximately \$1,000 and the anticipated average cost for server(s) for video storage is approximately \$1,000 per Body-Worn Camera.

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Q: We were approached by another agency to do a joint grant, but we believe that it is capped at 50 officers. The department that approached us has over 50 officers, so would only be able to apply on our own? Also, in regards to union approval, does it have to be a letter showing that the unions have agreed to it, authored by the union or can it be a letter from the Chief saying that we are undergoing negotiations regardless if an agreement was reached?

A: Smaller law enforcement agencies (under 50 sworn officers), may collaborate and jointly apply under this grant program; however, this is not a requirement. There is no cap in terms of how many sworn officers can be included when submitting a joint grant application. If a department collaborates with several towns, each department must assure that they will provide copies of their mandatory wear policy, documentation of collective bargaining approval, and comply with other assurances under this solicitation. One department must be designated as the lead agency, responsible for managing and administering the grant program on behalf of the collaborating law enforcement agencies.

OGR has received several questions concerning the time constraint in receiving collective bargaining approval by the BWC Program application deadline. Please note that on page 4 of the Availability of Grant Funds (AGF), it states that applicants have 6 months after award execution (~October 2021) to begin implementation. This time period allows departments adequate time to receive the proper approval and documentation. If a department is unable to develop a mandatory wear policy and receive collective bargaining approval by the application deadline, then the applicant department must mention, within their application, the ongoing negotiations and status of receiving collective bargaining approval (verbal approval at time of application submission is acceptable). The project implementation timeline within the application must also indicate when the department anticipates receiving a formal, written commitment of approval (no later than 6 months after execution of the award contract). This instruction is not clear in the original posted documents related to this solicitation, therefore, modified documents with clearer language are posted here.

Q: Are you aware of any conflicts that may exist with applying for a federal Body-Worn Camera grant and this grant?

A: There is no conflict. The department is eligible to apply for both, as each grant opportunity may fund different pieces of a comprehensive Body-Worn Camera program.

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Q: *Is there a match requirement with this grant?*

A: No, there is no match requirement for this grant.

Q: *Regarding getting a signed letter from the union, we believe that it is highly unlikely that they will agree to signing a letter stating collective bargaining approval. Collective bargaining regarding BWC policy is an ongoing discussion over time as policy changes and grows. If the Union does not agree to sign a letter stating collective bargaining approval, will this make our application ineligible?*

A: Please note that on page 2 of the Availability of Grant Funds (AGF) it states that applicant law enforcement agencies must certify that the department has or is seeking collective bargaining agreement. As mentioned previously, applicants have 6 months after award execution (~October 2021) to begin implementation. This time period allows departments adequate time to receive the proper approval and documentation. If a department is unable to develop a mandatory wear policy and receive collective bargaining approval by the application deadline, then the applicant department must mention, within their application, the ongoing negotiations and status of receiving collective bargaining approval (verbal approval at time of application submission is acceptable). The project implementation timeline within the application must also indicate when the department anticipates receiving a formal, written commitment of approval (no later than 6 months after execution of the award contract). **No purchases may be made under this award until collective bargaining approval is received. If collective bargaining approval is not received within 6 months of contract execution, the award will be rescinded.**

II. Collective Bargaining Agreement

Q: *Does a police department need to have a mandatory wear policy and an agreement with the police union in place before it can apply for a grant? Or can it receive a grant to work towards implementing a BWC policy?*

A: On page 2 of the Availability of Grant Funds (AGF), it states that applicant law enforcement agencies who wish to purchase cameras must certify that they have or will have a written "mandatory wear" policy in effect for BWCs. Applicants have 6 months after award execution (~October 2021) to implement mandatory wear policies. This time period allows departments adequate time to receive the proper approval and documentation. If a department is unable to develop a mandatory wear policy and

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receive collective bargaining approval by the application deadline, then the applicant department must mention, within their application, the ongoing negotiations and status of receiving collective bargaining approval (verbal approval at time of application submission is acceptable). The project implementation timeline within the application must also indicate when the department anticipates receiving a formal, written commitment of approval (no later than 6 months after execution of the award contract). This instruction is not clear in the original posted documents related to this solicitation, therefore, modified documents with clearer language are posted here.

Q: We are amid bargaining with the union and were wondering what kind of approval is needed? We are on the onset of bargaining and that could take months because it is a change in working conditions so would it be enough to just get the green light from the union to move forward?

A: On page 4 of the solicitation, it says that you have 6 months after award to begin implementation, so this will allow you the time to receive the proper approval and documentation. Within your application, please mention your ongoing negotiations and status of receiving approval (verbal approval at time of application submission is acceptable) and include in your timeline when approval is expected to be finalized with a formal, written commitment. This instruction is not clear in the original posted documents related to this solicitation, therefore, modified documents with clearer language are posted here.

Q: Could departments apply for this grant and get union approval afterwards?

A: On page 4 of the solicitation, it says that applicants have 6 months after award execution (~October 2021) to begin implementation, so this will allow departments the time to receive the proper approval and documentation. The department should mention, within their application, the ongoing negotiations and status of receiving approval (verbal approval at time of application submission is acceptable) and include in their timeline within the application when they expect a formal, written commitment of approval. This instruction is not clear in the original posted documents related to this solicitation, therefore, modified documents with clearer language are posted here.

Q: If a Municipality has received town funding for body worn & dash cameras, can that Municipality still apply under this grant?

A: Unfortunately, you may not use the state grant funding to replace municipal funding for your body-

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worn camera program. It is fine, though, if you are seeking grant funding to supplement or expand your already funded program, if needed. For example, if there is not enough municipal funding to cover cameras for all your sworn officers, then you may apply for grant funding to ensure that more sworn officers are outfitted.

Q: When it says "certify" in terms of the 1) collective bargaining approval, and 2) the MPTC Acadis Training - would that simply be a signed letter from the Union and the MPTC ED stating collective bargaining approval and that we are up to date with our training? With regard to notifying the District Attorney's Office - would a To/From Memo from the Police Commissioner to the District Attorney be sufficient documentation? And regarding the assurance that the applicant will cover all operational expenses outside the scope of the grant – would a letter from the applying law enforcement agency be sufficient documentation?

A: On page 2 of the Body-Worn Cameras Program Application Template (Attachment A) the Senior/Municipal Department Official will be asked to review and approve BWC Program Eligibility Requirements. By signing this page, the applicant is assuring that these requirements have/will be met. Once Union approval is received, a signed letter from the Union or other formal document may be submitted. Applicants are asked to carefully review and certify that they have completed or will complete the following requirements/assurances:

- **Mandatory Wear Policy (No Supplemental Documentation Required w/Initial Application):** If awarded grant funds to purchase body-worn cameras for implementation of a body-worn camera program, applicants must certify that their agency has/will have a written "mandatory wear" policy in effect no later than 6 months after execution of the award contract. A copy of the policy must be submitted when final.
- **Collective Bargaining Approval:** Applicants must provide a letter of commitment/documentation from their agency's union, that the department has collective bargaining approval to implement a body-worn camera program requiring a "mandatory wear" policy. Documentation must be submitted no later than 6 months after execution of the award contract.
- **Program Operating Expenses and Notice to District Attorneys (No Supplemental Documentation Required w/Application):** Applicants must certify, via signature, that the department will absorb BWC program operating/non-capital expenses that are outside the scope of the grant and has

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notified their District Attorney's Office of intent to implement or expand a BWC program.

- Acadis Training Records: Applicants must certify, via signature, that their department's Acadis training records are up to date in the MPTC Acadis Training Portal. MPTC will verify compliance.

Q: Collective Bargaining discussions may or may not be resolved by March 2022. Does this impact our eligibility?

A: According to page 4 of the Availability of Grant Funds (AGF), it states that applicants have 6 months after award execution (~October 2021) to begin implementation. This time period allows departments adequate time to receive the proper approval and documentation. If a department is unable to develop a mandatory wear policy and receive collective bargaining approval by the application deadline, then the applicant department must mention, within their application, the ongoing negotiations and status of receiving collective bargaining approval (verbal approval at time of application submission is acceptable). So long as those negotiations are resolved prior to the end of that 6-month period eligibility should not be impacted.

III. Allowable Costs

Q: According to the AGF funds can be used to expand an existing system. Can the funds be used to purchase additional cameras, extra batteries, additional servers and cloud space and computer hardware (desktops and monitors) to review, copy, and download for court and public records requests?

A: Eligible law enforcement departments may apply for funding for the following items:

- Body-worn cameras and accessories, including mounting kits, tablets, field viewers, microphone, battery pack, docking and charging stations; and
- On-premises server(s) for video storage only (NOTE: cloud storage fees are not allowable expenses under this grant program)

Items purchased under this grant should only include items that will expand on the existing system and should not be used to replace previously acquired equipment.

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Q: The department has requested an operating budget that would cover existing BWC expenses and expansion of the program. If this operating budget is approved would applying for this grant be considered supplanting?

A: Unfortunately, you may not use the state grant funding to replace municipal funding for your body-worn camera program. If the department's operating budget request is approved for the expenses that would be covered under this grant, that would be considered supplanting and would be deemed unallowable.

Q: Is software considered an allowable cost?

A: Software is considered a capital expense and is, therefore, an allowable cost under this program.

Q: Can grant funds be used to lease cameras and related IT equipment or must the funds be used to purchase equipment?

A: Grant funds can only be used to purchase equipment related to creating or expanding a comprehensive BWC program. Therefore, grant funds cannot be used to lease allowable items under this grant.

Q: If we purchase equipment can we use funds to pay for a warranty?

A: Funds can be used to pay for a warranty only during the allotted performance period. Add on/extended warranties are not allowable expenses under this program.

IV. MPTC Acadis Training Portal

Q: Regarding the Acadis Training Records our department is up to date within the Acadis Training Portal; however, Acadis does not yet have a BWC curriculum, so we train our officers on how to utilize and implement our BWC's and BWC policies. Based on this, why are we required to get certification from the MPTC?

A: Eligible police department's Acadis training records must be up to date within the Municipal Police Training Committee (MPTC) Acadis training Portal. As you stated, the department is up to date in the Acadis Portal. That is all we require; we will confirm the status with MPTC. The BWC training that the department provides is fine and will not count against the department if all personnel are not trained by the application submission date, as long as Acadis is up to date. This is an eligibility requirement